

REMARKS**I. General**

The issues outstanding in the instant application are as follows:

- Claims 1, 2, 8, 9, 11, 12, 14-18, 20, 21, 39-54 and 56-63 stand rejected under 35 U.S.C. § 102(e) as unpatentable over Elliott, U.S. Pat. No. 6,614,781 (hereinafter *Elliott*);
- Claims 3-7 and 22-33, 37 and 38 stand rejected under 35 U.S.C. § 103(a) as unpatentable over *Elliott* in view of Cave, U.S. Pat. No. 5,754,631 (hereinafter *Cave*);
- Claim 10 stands rejected under 35 U.S.C. § 103(a) as unpatentable over *Elliott* in view of Shitivelman, U.S. Pat. No. 6,157,655 (hereinafter *Shitivelman*);
- Claims 34 and 35 stand rejected under 35 U.S.C. § 103(a) as unpatentable over *Elliott* and *Cave* in view of Adams, U.S. Pat. Pub. No. 2003/0140121 (hereinafter *Adams*); and
- Claims 13, 19, 36 and 55 are objected to as being dependent upon a rejected base claim.

Applicant wishes to thank the Examiner for the indication that claims 13, 19, 36 and 55 include allowable subject matter. However, Applicant hereby traverses the outstanding rejections of the remaining claims, and requests reconsideration and withdrawal of the outstanding rejections and objections in light of the remarks contained herein. Applicant hereby incorporates the arguments advanced in the November 24, 2004 Amendment herein. However, in the interest of brevity and clarity Applicant will not repeat those arguments herein, whole cloth, but rather will address the Examiner's answers to those arguments. Claims 1-63 are currently pending in this application.

II. Rejections under 35 U.S.C. § 102(e)

Claims 1, 2, 8, 9, 11, 12, 14-18, 20, 21, 39-54 and 56-63 stand rejected under 35 U.S.C. § 102(e) as unpatentable over *Elliott*. Applicant respectfully traverses these rejections.

The recited reference does not teach all claimed limitations.

It is well settled that to anticipate a claim, the reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he elements must be arranged as required by the claim,” see M.P.E.P. § 2131, citing *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Furthermore, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim,” see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Applicant respectfully asserts that the rejection does not satisfy these requirements.

A. Claims 1, 2, 8, 9, 11, 12, 14-18, 20 and 21

As noted in the Amendment filed November 24, 2004, *Elliott* does not disclose numerous limitations of claim 1, particularly in as complete detail and arranged as required by claim 1. The November 24, 2004 Amendment arguments that *Elliott* fails to teach or suggest “interfacing an interactive response process to said asynchronous network, wherein said interactive response process is adapted to directly utilize packet network protocols.” The present Office Action presented the following response to those arguments:

Elliott teaches a Calling Card IVR (FIG. 6D). The IPDC packet network of the Soft Switch is bridged by the Gateway Site to the ISDN PRI packet network of the Calling Card IVR which forms one large packet based network. As one hybrid packet network the IVR is not off-network. The establishment of a signaling channel is required for the control of the IVR.

The IVR cannot work in isolation as a pure media transfer without some method of signaling control. The signaling control is centralized through the Soft Switch 204 which couples the IPDC packet control with the PSTN ISDN packet

control of the IVR. The Calling Card IVR works in combination with the Soft Switch in the same way the Network IVR works. The difference being the Calling Card IVR is for Operator Services as compared to the Network IVR is for SCP AIN services. The IVR must have a signaling channel established for call control and an associated media stream for audio content to the telephone device.

However, Applicant reiterates its argument that the Calling Card IVR of Figure 6D is clearly shown as an “off-network” device connected through Gateway 110. The description of use of IPDC and SR-3511 protocols provided at column 43, lines 2-6 is in reference to network IVR 654 of *Elliott*, not calling card IVR 632. Nowhere does Elliot teach or suggest: “The signaling control is centralized through the Soft Switch 204 which couples the IPDC packet control with the PSTN ISDN packet control of the [calling card] IVR,” as alleged by the present Office Action. Nor, does Elliot teach, or suggest: “The Calling Card IVR works in combination with the Soft Switch in the same way the Network IVR works,” as alleged by the present Office Action. In contrast, at column 42, lines 56-64 describe “calling card interactive voice response (IVR) 632 services” as being provided “off-switch, similarly to operator services 628.” And in the same paragraph Elliot provides: “on-switch SCP services. Specifically, project account codes (PAC) SCP 214a and basic toll-free SCP 214b communicate with soft switch 204 via an INAP/IP protocol 620.” Thus, if Elliot anticipates “interfacing an interactive response process to said asynchronous network, wherein said interactive response process is adapted to directly utilize packet network protocols” then it would seem that Elliot should make mention of interfacing the off-switch IVR using an INAP/IP protocol in the discussion appearing at column 42, lines 56-64. Therefore, Applicant respectfully asserts that Elliot fails to show, at least in as complete detail as recited by claim 1 and arranged as required by claim 1, “interfacing an interactive response process to said asynchronous network,” particularly where the “interactive response process is adapted to directly utilize packet network protocols,” as recited by claim 1.

The November 24th Amendment also pointed out that Elliot fails to teach, or suggest, “establishing a first signaling channel associated with said first communication device and said interactive response process” as recited by claim 1. The present Office Action appears to answers Applicant’s arguments by stating, as noted above:

The establishment of a signaling channel is required for the control of the IVR. The IVR cannot work in isolation as a pure media transfer without some method of signaling control ... The IVR must have a signaling channel established for call control and an associated media stream for audio content to the telephone device.

However, as pointed out in the November 24th Amendment , the Office Action relies on the description of the control for the Network IVR 654, use of IPDC and SR-3511 protocols as provided at column 43, lines 1-6, as teaching signaling by off-network calling card IVR 632. The Office Action's response seems to indicate that the Examiner considers the use of a signaling channel is inherent in the use of an IVR. Applicant respectfully disagrees. Applicant respectfully asserts that control of an IVR or the like may be maintained through a media stream, or the like, passing through an IVR, such as through the use of DTMF signaling over a media stream. Therefore, it does not necessarily flow from the teachings of Elliot that "[t]he establishment of a signaling channel is required for the control of the [calling card] IVR" as alleged by the present Office Action. Applicant respectfully asserts that *Elliot* fails to teach or suggest "establishing a first signaling channel associated with said first communication device and said interactive response process," at least in as complete detail as recited in claim 1.

The November 24th Amendment also points out that Elliot fails to teach, or suggest, "directing, under control of said interactive response process using said first signaling channel, a first media stream associated with said first communication device to said second communication device to thereby provide a call" as also recited by claim 1.

In response to Applicant's arguments the present Office Action states:

The Calling Card IVR (column 224 lines 35-64) obtains an authorization code along with a destination telephone number in order to initiate a call. Thus the IVR is in control of the call using the first signaling channel to establish a second media stream to the destination telephone number.

However, claim 1 recites "directing... a first media stream associated with said first communication device to said second communication device" not establishing "a second

media stream to the destination telephone number” as the Office Action alleges *Elliott* teaches. Regardless, nothing in *Elliott* explicitly teaches the IVR using a signaling channel to control a media stream. The bare recitation of calling card features in column 224 fails to teach or suggest any sort of control of media streams to accomplish these features. For at least these reasons, Applicant respectfully reiterates that Elliot fails to show or suggest, at least in as complete detail as recited in claim 1, “directing, under control of said interactive response process using said first signaling channel, a first media stream associated with said first communication device to said second communication device to thereby provide a call.”

The November 24, 2004 Amendment also discusses how Elliot fails to teach, or suggest, “directing a third media stream from said interactive response process to said first communication device during a time in which said first media stream is directed to said second communication device.” The present Office Action answers those arguments by stating:

The establishment of a third media stream is through the use of the 3-way calling feature wherein the user of the established 2-way call flashes the switchhook for signaling control to enter a new destination telephone for the third media stream.

As noted, FIGURE 6C of *Elliott* fails to show any media streams directed to or from IVR 632, other than might be inferred from the connection between IVR 632 and Gateway 110 shown. Also, the discussion of three-way calling features appearing in columns 224 and 230 fails to teach or suggest any details about how media streams associated with a three-way call are established or directed. Regardless, the third media stream of claim 1 is directed from the interactive response process to the first communication device, not to a third party in a three way call as discussed by the Office Action. Thus, Applicant respectfully reiterates that *Elliott* fails to teach or suggest “directing a third media stream from said interactive response process to said first communication device during a time in which said first media stream is directed to said second communication device” as recited by claim 1.

Therefore, Applicant respectfully reiterates that Elliot fails to show various elements recited by claim 1, particularly in as complete detail and/or arranged as called for by the claim. Therefore, Applicant again asserts that independent claim 1 is patentable over the 35 U.S.C. § 102 rejection of record. Furthermore, there are great differences between the claim

and the prior art of record, and a person of ordinary skill in the art considering the prior art would not find these differences obvious.

Claims 2, 8, 9, 11, 12, 14-18, 20 and 21 depend directly or indirectly from base claim 1, and thus inherit all limitations of claim 1. As a result, each of claims 2, 8, 9, 11, 12, 14-18, 20 and 21 set forth features and limitations not recited by *Elliott*. Therefore, Applicant respectfully asserts that for at least the above reasons advanced above in addressing the anticipation rejection of claim 1, each of claims 2, 8, 9, 11, 12, 14-18, 20 and 21 are patentable over the 35 U.S.C. § 102 rejection of record.

B. Claims 39-46

As noted in the November 24th Amendment, Elliot fails to teach or suggest “interfacing an interactive response process to said asynchronous network, wherein said interactive response process is adapted to directly utilize packet network protocols” as recited by claim 39. As with claim 1, Elliot fails to teach or suggest: “The signaling control is centralized through the Soft Switch 204 which couples the IPDC packet control with the PSTN ISDN packet control of the [calling card] IVR,” as alleged by the present Office Action. Nor, does Elliot teach, or suggest that “The Calling Card IVR works in combination with the Soft Switch in the same way the Network IVR works,” as alleged by the present Office Action. In contrast, *Elliott*, at column 42, lines 56-64 describes “calling card interactive voice response (IVR) 632 services” as being provided “off-switch, similarly to operator services 628.” Thus, Applicant respectfully asserts that Elliot fails to show, at least in as complete detail as recited by claim 39 and arranged as required by claim 39, “interfacing an interactive response process to said asynchronous network” as recited by claim 39, particularly “wherein said interactive response process is adapted to directly utilize packet network protocols.”

As also discussed in the November 24th Amendment Elliot fails to teach or suggest the claim 39 element:

directing a second media stream from said interactive response process to a second communication device of said plurality of communication devices, wherein said second communication device is one of said at least two communication devices of

said plurality of communication devices

The present Office Action answers Applicants arguments from the November 24th Amendment by stating:

The establishment of a second media stream to a second telephone device is must be made as part of stage two in a multi-party conference call. Call control to the IVR must be maintained in order to obtain additional telephone numbers for conferencing.

Again, as pointed out in the November 24th Amendment, nothing in *Elliott* teaches directing a second media stream from an IVR to a second communication device. The present Office Action's response seems to indicate that the Examiner considers the "establishment of a second media stream to a second telephone device" as inherent "as part of stage two in a multi-party conference call." Applicant respectfully disagrees. Applicant respectfully asserts that in contrast to "directing a second media stream from said interactive response process to a second communication device" as recited by claim 39, a second media stream might be directed directly from one call party to another or from some other node in the network. Therefore, it does not necessarily flow from the teachings of Elliot that a second media stream is directed to a second communication device from an interactive response process, as recited by claim 39.

Claim 39 also recites:

directing, during a time in which said second media stream is directed from said interactive response process to said second communication device, a third media stream from said interactive response process to a third communication device of said plurality of communication devices, wherein said third communication device is one of said at least two communication devices of said plurality of communication devices

In response to Applicant's November 24th Amendment arguments that this element is not taught by Elliot, the present Office Action states:

The second media stream from the Calling Card IVR is directed to the alternate destination telephone as a third media stream as

established in a 3-way conferencing call (column 230 lines 22-33) as either user can flash the switchhook to establish a 3-way connection. Control to the IVR must be maintained to obtain the new destination telephone number as each media stream is established for all parties. The call control is performed by the combination of Soft Switch and Calling Card IVR wherein the routing and protocol control is handled by the Soft Switch. Any IVR which bears call control must implement the functions as provided by the Soft Switch for routing of the control packet data.

However, as pointed out above the rather cursory discussion of three-way calling appearing in column 230 of *Elliott* fails to teach or suggest how a “combination of Soft Switch and Calling Card IVR” directs a third media stream from an interactive response process to a third communication device, as recited by claim 39. The text at column 230 lines 23-32 merely describes a caller’s actions (flashing the switch-hook and dialing the third party) used to initiate a three-way call. Nothing in this description would seem to teach that a third media stream is directed from an interactive response process to a third communication device, as recited by claim 39, much less that this is carried out during a time in which a second media stream is directed from the interactive response process to a second communication device. Therefore, Applicant again respectfully asserts that *Elliott* fails to teach or suggest these limitations, particularly in as complete a detail as contained in claim 39.

For at least the above reasons, Applicant respectfully contends that *Elliott* does not teach all the claimed limitations of claim 39. Therefore, Applicant respectfully asserts that independent claim 39 is patentable over the 35 U.S.C. § 102 rejection of record. Furthermore, there are great differences between claim 39 and the prior art of record, and a person of ordinary skill in the art considering the prior art would not find these differences obvious.

Claims 40-46 depend directly, or indirectly, from base claim 39, and thus inherit all limitations of claim 39. As a result each of claims 40-46 set forth features and limitations not recited by *Elliott*. Thus, the Applicant respectfully asserts that for at least the reasons advanced above in addressing the anticipation rejection of claim 39 claims 40-46 are patentable over the 35 U.S.C. § 102 rejection of record.

Claims 47-54 and 56

As with independent claims 1 and 39, independent claim 47 recites “interfacing an interactive response process to said asynchronous network, wherein said interactive response process is adapted to directly utilize packet network protocols.” For the same reasons as advanced above, Applicant respectfully reiterates that Elliot fails to teach that signaling control of the calling card IVR is centralized through the soft switch, or that the calling card IVR works in combination with the soft switch in the same way the network IVR works with the soft switch, as alleged by the present Office Action. Applicant respectfully asserts that Elliot fails to show, at least in as complete detail as recited by claim 47 and arranged as required by claim 47, “interfacing an interactive response process to said asynchronous network,” particularly “wherein said interactive response process is adapted to directly utilize packet network protocols.”

In the November 24th Amendment Applicant pointed out that Elliot fails to teach or suggest “interfacing an operator system to said interactive response process,” as recited by claim 47. The present Office Action responds to Applicant’s arguments by stating:

Elliott teaches operator services and calling card IVR as off-switch services. Both services function together and are integral as a unit for obtaining calling card information and authorization in addition to multi-party conferencing numbers, thus the services interface directly and can be incorporated in a single unit.

Elliott teaches use of the IVR for signaling control in establishing media streams between a first and second communication device (column 224 lines 35-46) wherein the calling card authorization code and destination number is obtained to establish the call. The operator services are available through calling card services (column 223 lines 13-19) and is accessed by dialing “00”. Such a method is interactive to require monitoring for entry of the “00” code after the calling card sequence entry.

At least FIGURES 6C and 6D of Elliot clearly show operator service 628 and calling card IVR 632 as separate, with no interconnection or the like, which would not lead one to believe that the “services function together and are integral as a unit.” While lines 13-19 of

column 223 of Elliot does indicate that “Operator services can be available to any customer using... calling card service... of the carrier of telecommunications network 200,” no mention is made, or suggested, of interfacing an operator system to the calling card IVR.

Claim 47 also recites “establishing a first signaling channel associated with said first communication device and said interactive response process” and “directing, under control of said interactive response process using said first signaling channel, a first media stream associated with said first communication device to said second communication device” For the same reasons advanced above in addressing the anticipation rejections of claim 1, Applicant respectfully asserts that *Elliott* does not teach these elements of claim 47.

Claim 47 also recites “receiving at said interactive response process signaling information from said first communication device indicating a desire to communicate with said operator system.” The Office action alleges *Elliott* teaches this limitation in column 223 lines 13-19, “referenced by the first communication device accessing an operator by dialing ‘00’ which is signaling information to connection to operator services.” As noted above , the text appearing at column 223, lines 13-19, merely provides: “Operator Services can be available to any customer using ... calling card service... of the carrier of telecommunications network 200.” This passage also provides: “An operator can be accessed by dialing "00" or 101-XXXX-0. Access to an operator can be accomplished through switched or dedicated access.” Nothing in this recitation teaches that an indication of “a desire to communicate with said operator system” is received by an “interactive response process” as recited by claim 47, rather the cited passage of column 223 would seem to indicate that operator access is provided through the carrier of telecommunications network 200 in *Elliott*.

As noted in the November 24th Amendment, Applicant respectfully asserts that *Elliott* fails to teach, or suggest, “redirecting, under control of said interactive response process using said first signaling channel, said first media stream associated with said first communication device from said second communication device to said operator system, ” as recited in claim 47. The following response was provided in the present Office Action:

The "redirecting under control of said interactive response process using said first signaling channel said first media stream associated with said first communication device from said second communication device to said operator system" is performed by placement of re-origination calling card calls. The IVR obtains information as to the new destination and redirects the second media stream to the new destination. Multiple media streams are established by re-origination calls which bridges new third media streams to the original first media stream.

As also noted in the November 24th Amendment, the text at column 225, lines 4-7, of *Elliott* states: "Re-Origination will allow customers to place multiple calling card calls without having to hang up, dial the access number, and enter the authorization code again. The feature can be initiated by depressing for 2 full seconds." Applicant reiterates that this passage from *Elliott*, directed to calling card services, does not provide any disclosure with respect to redirecting a media stream from a second communication device to an operator system, particularly where this redirection is carried out under the control of an interactive response process using a first signaling channel between the first communication device and the interactive response process, as claimed.

Claim 47 also recites "directing a third media stream from said operator system to said first communication device." As discussed in the November 24th Amendment and above, this passage from *Elliott*, directed to calling card services, does not provide any disclosure with respect to directing a third media stream from an operator system to a first communication device. The cited passage of *Elliott* clearly only provides that the re-origination "feature can be initiated by depressing for 2 full seconds," not that a third media stream is directed from an operator system to the first communication device, as recited by claim 47.

Thus, for at least the above further reasons Applicant respectfully reiterates that *Elliott* does not teach all the claimed limitations of claim 47. Therefore, Applicant respectfully asserts that independent claim 47 is patentable over the 35 U.S.C. § 102 rejection of record. Furthermore, there are great differences between claim 47 and the prior art of record, and a person of ordinary skill in the art considering the prior art would not find these differences obvious.

Claims 48-54 and 56 depend directly, or indirectly, from base claim 47, and thus inherit all limitations of claim 47. As a result each of claims 48-54 and 56 set forth features and limitations not recited by *Elliott*. Thus, Applicant respectfully asserts that for at least the reasons advanced above in addressing the anticipation rejection of claim 47 claims 48-54 and 56 are patentable over the 35 U.S.C. § 102 rejection of record.

C. Claims 57-63

Claim 57 recites “interfacing a number of communication devices to an asynchronous network, wherein a plurality of said number of communication devices include call control functionality.” In response to Applicant’s argument that *Elliott* fails to teach or suggest that carrier facilities 126 and 130 or customer facilities 128 and 132 provide any sort of call control functionality, the present Office Action states:

Elliott teaches the placement of VoIP calls via a data network between a plurality of legacy telephones. To perform this, call control must inherently be present. The legacy telephone devices 102, 120, 122 and 124 do not this function. The call control is present in the Carrier Facilities and Customer Facilities 126, 120, 128 and 132 to which the telephones are connected and interface with the Soft Switch Sites. The media streams are established to the telephone devices as part of the audio connection in setting up the call. Call control is initiated at the first telephone to attempt establishment of the call.

Thus, it seems that the present Office Action admits that Elliot fails to teach “a plurality of said number of communication devices include call control functionality”. Rather it seems that the present Office Action admits that any call control functionality present in Elliot is included in other network elements, carrier facilities and customer facilities, and not included in the communications devices themselves, as claimed in claim 57. Even if call control may arguably be established to one of the communications devices in *Elliott*, nothing in *Elliott* teaches, or suggests, that “a plurality of said number of communication devices include call control functionality.”

The November 24th Amendment contends that Elliot fails to disclose claim 57 limitation:

directing a first media stream associated with at least one of a first communication device of said number of communication devices and a second communication device of said number of communication devices to the other one of said first and second communication devices under control of said call control functionality associated with said first communication device

In response the present Office action alleges:

Fig 2B shows the connection of two telephone devices 120 102 with the control signal via the Soft Switches 304 270 wherein the media stream of telephone device 1 is directed to media stream of telephone device 2 wherein the call control is initiated by telephone device 1 through dial-up of the destination number.

However nothing in FIGURE 2B shows or suggests “directing a first media stream...to the other one of said ... communication devices under control of said call control functionality associated with said first communication device.” At best FIGURE 2B can be said to show “the media stream of telephone device 1 is directed to media stream of telephone device 2” under the direction of the soft switch, since as pointed out above the telephones shown in FIGURE 2B are POTS devices and do not provide call control functionality.

Claim 57 also recites:

directing a second media stream associated with at least one of said first communication device, said second communication device, and a third communication device of said number of communication devices to at least one of said first, second, and third communication devices under control of said call control functionality associated with said second communication device

In response to Applicant’s November 24th Amendment arguments that Elliot fails to teach or suggest these limitation, the present Office Action states:

The use of the code access for conferencing allows each telephone device to control their associated media streams via the IVR for conferencing. Each media stream can be directed to the others by code access conferencing, hence the second media stream is directed to a first media stream under the control of the second device.

In column 227, lines 64-67, *Elliott* provides: “Code Access permits a participant to hear a prompt asking for a code (determined by moderator) that could allow access to the conference. The code can be entered, e.g., via dual tone multiple frequencies (DTMF) tones.” This passage indicates that a calling party may access a conference call using a DTMF code, but does not address redirection of a second media stream to another communication devices under control of call control functionality associated with a second communication device. The cited passage of *Elliott* only teaches access to a conference call, without indicating in as complete detail as recited in claim 57, how call control is carried out.

Thus, Applicant respectfully reiterates that *Elliott* does not teach all the claimed limitations of independent claim 57. Therefore, Applicant respectfully asserts that independent claim 57 is patentable over the 35 U.S.C. § 102 rejection of record. Furthermore, there are great differences between claim 57 and the prior art of record, and a person of ordinary skill in the art considering the prior art would not find these differences obvious.

Claims 58-63 depend directly, or indirectly, from base claim 57, and thus inherit all limitations of claim 57. As a result, each of claims 58-63 set forth features and limitations not recited by *Elliott*. Thus, Applicant respectfully asserts that for at least the reasons advanced above in addressing the anticipation rejection of claim 57, claims 58-63 are also patentable over the 35 U.S.C. § 102 rejection of record.

III. Rejections under 35 U.S.C. § 103(a)

A. Claims 3-7, 10, 22-35, 37 and 38

Claims 3-7 and 22-33, 37 and 38 stand rejected under 35 U.S.C. § 103(a) as unpatentable over *Elliott* in view of *Cave*; Claim 10 stands rejected as unpatentable over *Elliott* in view of *Shitivelman*; and claims 34 and 35 stand rejected under 35 U.S.C. § 103(a) as unpatentable over *Elliott* and *Cave* in view of *Adams*. Applicant respectfully traverses these rejections for the reasons advanced below.

To establish a prima facie case of obviousness, three basic criteria must be met. See M.P.E.P. § 2143. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Without conceding the first or second criteria, Applicant again respectfully contends that the prior art references, when combined, teach or suggest all the claim limitations.

1. Claims 3-7 and 22

Claims 3-7 and 22 depend directly or indirectly from base claim 1, and thus inherit all limitations of claim 1. As discussed above in addressing the anticipation rejection of claim 1, *Elliott* fails to teach or suggest certain elements of claim 1. The Office Action does not rely on *Cave* as teaching these missing elements of claim 1. As a result, Applicant respectfully contends that at least for these reasons claims 3-7 and 22 set forth features and limitations not recited by the combination of *Elliott* and *Cave*. Therefore, Applicant respectfully asserts claims 3-7 and 22 are patentable over the 35 U.S.C. § 103 rejection of record.

2. Claims 23-35, 37 and 38

Independent claim 23 recites “interfacing an interactive response process to said asynchronous network, wherein said interactive response process is adapted to directly utilize packet network protocols.” Similar to claims 1, 39 and 47, the Office Action relies on *Elliott* as teaching this element. Therefore, for the same reasons advanced above in addressing the anticipation rejections of claim 1, 39 and 47 and the present Office Action’s responses to the arguments advanced in Applicant’s November 24th Amendment, Applicant respectfully asserts that *Elliott* does not teach this limitation. Namely, Elliot fails to teach or suggest: “The signaling control is centralized through the Soft Switch 204 which couples the IPDC packet control with the PSTN ISDN packet control of the [calling card] IVR,” as alleged by the present Office Action. Nor, does Elliot teach, or suggest: “The Calling Card IVR works in combination with the Soft Switch in the same way the Network IVR works,” as alleged by the present Office Action. Therefore, Applicant respectfully asserts that Elliot fails to teach or suggest “interfacing an interactive response process to said asynchronous network,”

particularly where the “interactive response process is adapted to directly utilize packet network protocols,” as recited by claim 23.

In response to Applicant’s arguments that *Elliott* fails to teach or suggest “establishing a first signaling channel associated with said first communication device and said interactive response process,” as recited by claim 23, the present Office Action states:

The establishment of a first signaling channel between the communication device and the IVR is performed in order to obtain the calling card authorization code. Without establishing a signaling channel, no access to the IVR would be possible for the communication device.

However, nothing in *Elliott* teaches or suggests that a first signaling channel, and not a typical media stream, is used to “obtain the calling card authorization code.” Therefore, Applicant respectfully asserts that *Elliott* fails to teach or suggest “establishing a first signaling channel associated with said first communication device and said interactive response process.”

Claim 23 also recites “directing, under control of said interactive response process using said first signaling channel, a first media stream associated with said first communication device to said second communication device to thereby provide a call.” In response to Applicant’s November 24th Amendment arguments that *Elliott* fails to teach or suggest this element as alleged, the present Office Action states:

The entry of the authorization code and destination number from the communication device to the IVR provides subsequent control by the IVR to establish the second media connection to the destination communication device, thus the first media stream is under the control of the IVR.

However, Applicant again wishes to point-out that nothing in *Elliott* teaches the IVR using a signaling channel to control a media stream. Further, claim 23 recites “directing... a first media stream associated with said first communication device to said second communication device” not establishing “a second media stream to the destination communication device” as the Office Action alleges *Elliott* to teach. For at least these reasons, Applicant respectfully reiterates that *Elliott* fails to show or suggest “directing, under

control of said interactive response process using said first signaling channel, a first media stream associated with said first communication device to said second communication device to thereby provide a call,” as recited by claim 23.

Neither *Cave* nor *Adams* is relied upon by the Office Action as teaching any of the above discussed elements. Therefore, Applicant respectfully asserts that the combinations of *Elliott* and *Cave* and *Elliott*, *Cave* and *Adams* cannot be relied upon to teach or suggest at least the above discussed elements of claim 23. Thus, Applicant respectfully asserts that at least for the above reasons independent claim 23 is patentable over the 35 U.S.C. § 103(a) rejection of record.

Claims 24-35, 37 and 38 depend directly, or indirectly, from base claim 23, and thus each of claims 24-35, 37 and 38 inherit all limitations of claim 23. Therefore, for at least the reasons advanced above in addressing the obviousness rejection of claim 23, Applicant respectfully asserts that claims 24-35, 37 and 38 are also patentable over the 35 U.S.C. § 103(a) rejection of record.

3. Claim 10

Claim 10 stands rejected under 35 U.S.C. § 103(a) as unpatentable over *Elliott* in view of *Shitivelman*. Applicant respectfully traverses this rejection. As discussed above, to establish a prima facie case of obviousness, three basic criteria must be met. Without conceding the first or second criteria enumerated above Applicant respectfully contends that the rejection of record fails to teach all limitations of claim 10.

Claim 10 depends indirectly from base independent claim 1, and thus inherit all limitations of claim 1. As discussed above in addressing the anticipation rejection of claim 1 and the present Office Action’s responses to Applicants November 24th Amendment arguments, *Elliott* fails to teach or suggest certain elements of claim 1. The Office Action does not rely on *Shitivelman* as teaching these missing elements of claim 1. As a result, Applicant respectfully contends that at least for these reasons claim 10 sets forth features and limitations not recited by the combination of *Elliott* and *Shitivelman*. Therefore, Applicant respectfully asserts claim 10 is patentable over the 35 U.S.C. § 103 rejection of record.

IV. Conclusion

For all the reasons given above, Applicant submits that the pending claims distinguish over the prior art under 35 U.S.C. §§ 102 and 103. Accordingly, Applicant submits that this application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 06-2380, under Order No. 47524/P104CP1/09908773 from which the undersigned is authorized to draw.

Finally, Applicant respectfully requests that the Examiner call the below listed attorney if the Examiner believes that the attorney can be helpful in resolving any remaining issues in this case.

Dated: June 9, 2005

Respectfully submitted,

By 

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